

REMARKS

Telephonic Interview with Examiner

Applicants would like to thank Examiner Riechle for the telephonic interview of October 2, 2003. During that interview, the Examiner and the Applicant's representative discussed the Response After Final Rejection submitted by the Applicants on September 30, 2003. The Examiner indicated that the proposed amendments would likely overcome the Examiner's rejections with regard to Osborn, Matsuda, and the combination of KC and Osborn. However, the Examiner has indicated that she still has concerns about the rejections over Clark.

The Applicants have further amended the claims after consideration of the Examiner's remarks. Applicants would like to thank Examiner Riechle for her time and respectfully submit that the claims are now in condition for allowance after submission of this amendment.

Information Disclosure Statement

During the October 2, 2003 interview, the Examiner indicated that the IDS filed on July 30, 2003 did not include a proper certification. As such, the applicants now submit an IDS including previously submitted references.

Status of the Claims

Claims 1-3, 6, 9-14, and 18-20 are currently pending after entry of this amendment. Claims 1-3, 6-14, and 18-20 stand rejected. Claims 1, 12, and 19, have been amended and claims 7 and 8 have been cancelled. Entry and consideration of these claims is respectfully requested.

Support for Amendments

No new matter is believed to have been added by these amendments.

Support for the amendment to claims 1, 12, and 19 can be found in original claims 7 and 8 and in the specification on page 7, lines 12-14.

In the Drawings

In response to the Examiner's assertion that a proper drawing correction or corrected drawings are required in reply to the Office Action, Applicants would like to point out that amended FIGS. 2 and 3 were submitted in the Response and Request for Reconsideration submitted March 25, 2003. A full set of formal drawings is being submitted herewith.

In the Specification

The Examiner objects to informalities in the first paragraph of the Summary. Applicants respectfully traverse. Applicants contend that an amendment to the Summary of the Invention is premature at this time. MPEP 1302.01 states that "when an application is apparently ready for allowance, it should be reviewed by the examiner to make certain that the whole application meets all formal and substantive requirements." If the claims are allowed, an amendment to the Summary **may be** necessary at that time (emphasis added).

Page 6, line 3 of the specification has been corrected to delete "W₅ and W₅" as noted by Examiner.

On page 14, the paragraph beginning on line 14 has been amended to clarify the structures that may optionally serve as the cover layers of the claimed invention. Support for this clarification can be found on page 8, lines 24-28 of the Specification. Applicants respectfully request the Examiner to withdraw the objection with regard to this paragraph.

Rejections Under 35 U.S.C. § 102(b)

Claims 1-3, 6, 8-10, 12-14, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Osborn, III et al., U.S. Pat. No. 5,647,862 (hereinafter Osborn). Applicants submit that this rejection is overcome by the present amendments.

Independent claims 1 and 12 have been amended to recite an absorbent article including at least one delay layer having a surface area less than the surface area of the

absorbent layer(s), and being positioned between the absorbent layer(s) and the garment-facing outer surface.

In contrast, Osborn does not teach or disclose each and every element of claimed invention. Osborn includes a sanitary napkin with means for directional fluid distribution positioned between the top sheet and the absorbent core. (Col. 4, lines 55-61). Osborn does not disclose a delay layer having a surface area less than the surface area of the absorbent layer(s), the delay layer being positioned between the absorbent layer(s) and the garment-facing outer surface of an article. Therefore, Applicants respectfully request this rejection to be withdrawn.

Claims 1-3, 6-7, 12-14, and 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Matsuda et al., U.S. Pat. No. 3,612,054 (hereinafter Matsuda). Applicants submit that this rejection is overcome by the present amendments.

Independent claims 1 and 12 have been amended to recite an absorbent article including a garment-facing outer surface or cover that includes an attachment portion adapted to removably attach the insert to an absorbent garment.

Therefore, Matsuda does not teach or disclose each and every element of the claimed invention. Matsuda teaches a sanitary napkin including barrier sheets. Matsuda does not disclose an absorbent article including a garment facing surface with an attachment portion adapted to removably attach the insert to an absorbent garment. Applicants respectfully request this rejection to be withdrawn.

Claims 1-3, 6-14, and 18 stand rejected under 35 U.S.C § 102(b) as being anticipated by Clark et al., U.S. Pat. No. 5,910,137 (hereinafter Clark). Applicants respectfully traverse this rejection. Clark discloses multiple individual sanitary napkins or absorbent articles that are removably adhered to one another.

The claims of the current application, as currently amended, recite a garment-facing outer surface or cover layer that is at least partially fluid permeable and has a pore size that will readily allow the passage therethrough of liquids. Clark does not teach or disclose any structure in Clark that would be equivalent to the at least partially fluid permeable garment-facing surface of the present invention.

Clark teaches a multilayered absorbent product that has a liquid-impermeable barrier layer, col.2 lines 63-66. The pending claims have been amended only to clarify that the garment facing layer is capable of having liquids pass through the layer to the undergarment that is below. Even if one would attempt to equate the bottom-most absorbent article of Clark is with the garment facing layer of the present claims, it would be clear that Clark does not teach or disclose a garment facing layer having a pore size that will readily allow the passage of liquids therethrough. Because Clark does not teach or disclose each and every element of the claimed invention, Applicants respectfully request this reject be withdrawn.

Rejections Under 35 U.S.C. § 103(a)

Claims 19-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Osborn, in view of Kimberly-Clark Corp., WO 95/06451 (hereinafter KC). The Examiner asserts that it would have been obvious to one of skill in the art to combine the sanitary napkin of Osborn with the undergarment of KC. Applicants submit that this rejection is overcome by the present amendments.

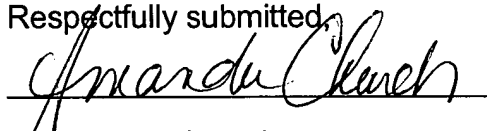
The combination of Osborn and KC, even if proper, would fail to provide all the elements of claim 19. As noted above, Osborn does not teach an absorbent article with at least one delay layer having a surface area less than the surface area of the absorbent layer(s) and being positioned between the absorbent layer(s) and the garment-facing outer surface. Likewise, KC does not teach or suggest, nor has the Examiner asserted that KC teaches or suggests, an absorbent article with at least one delay layer positioned between the absorbent layer(s) and the garment-facing outer surface, the delay layer(s) having a surface area less than the surface area of the absorbent layer(s).

Accordingly, a *prima facie* case of obviousness over Osborn in view of KC has not been presented, as the references do not teach or suggest each and every element of the claims. Claims 19 and 20 are not obvious under 35 U.S.C. § 103 over Osborn alone or in combination with KC, and Applicants respectfully request this rejection be withdrawn.

CONCLUSION

Applicants believe they have completely addressed all the objections and rejections raised by the Examiner. Applicants believe that all the claims are in condition to be allowed and respectfully request the same. If, for any reason, the Examiner feels that the above amendments and remarks do not put the claims in condition for allowance, the undersigned attorney can be reached at (312) 321-4787 to resolve any remaining issues.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Amanda Church", is written over a horizontal line.

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